IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

Civil Writ Petition No. 1259 of 2001.

Date of decision 30.4.2007.

Jagdish Chand ….**Petitioner.**

Versus

Indira Gandhi National Open University ……**Respondents.**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud, J.

Whether approved for reporting?[1]

For the Petitioner: **Mr. Onkar Jairath, Advocate.**

For the Respondents: **Mr. Rakesh Jaswal, Advocate.**

Dev Darshan Sud, J. (Oral).

This writ petition has been filed by the petitioner who is aggrieved by the action of the respondents in terminating his services. He has pleaded that he was employed as Semi Professional Assistant / Junior Assistant –cum- Typist with the

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[1] *Whether reports of Local Papers may be allowed to see the judgment?*

respondents. He further submits that he has put in more than six years of uninterrupted service, but the respondents without serving any notice etc. on him, terminated his services with effect from 11.11.2001.

Respondents have filed their reply to the writ in which it has been stated that the post against which the petitioner was working had been advertised for being filled in on regular basis, but the petitioner never applied for being considered. In these circumstances, he cannot claim any vested right to the post.

It is by now well settled that merely discharging duties against a post does not entitle or vest any right in an incumbent for absorption / appointment on permanent basis. I have gone through the record and feel that the case of the petitioner deserves to be treated sympathetically. Learned counsel for the petitioner submitted that any suitable employment to which petitioner may be entitled to in accordance with rules may be offered to him. I see no hindrance in the grant of this prayer. It is directed

that the writ petition will be treated as a representation by the respondents and considered sympathetically on its merits. Petition is disposed of. There shall be no order as to costs.

April 30, 2007 (PC). (Dev Darshan Sud), J.